

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Claim Objections***

2. Claim 28 is objected to because of the following informalities: Claim 28 recites of Bluetooth™ which is trademarked. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18-21,23, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Terpening et al, U.S. Patent 6,044,158.

As per claim 18, it is taught by Terpening et al of a telephone communication system that includes a radiotelephone terminal of the type that includes a radiocommunication module equipped with a radio modulation/demodulation circuit and a data encryption/decryption module, where the radiocommunication module includes a modem interface module connected to the radiocommunication module to control a

Art Unit: 2431

modem, an encryption/decryption module that includes an encryption/decryption circuit, and a vocoder circuit receiving speech data to be encrypted or decrypted from the radiocommunication module, where the encryption/decryption of the data is effected directly in the encryption/decryption circuit of the encryption/decryption module, characterized in that the radiocommunication module includes at least one control of the menu displayed on a display device of the terminal, allowing one to choose the conversation and transmission mode, and where the system includes: a reader included in the said encryption/decryption module to receive a microcircuit media of the removable smartcard type, an external modem separate from the radiotelephone terminal, data communication resources connected to the radiocommunication module to exchange data between the terminal and the external modem, and a first software switching resource connected to the radio modulation/demodulation circuit to route the data received by the terminal by means of the radio modulation/demodulation circuit to the modem interface module in order to effect a data transfer intended for the external modem, and conversely, to effect a transmission of data from the radio modulation/demodulation circuit by routing the data received by the terminal by means of the mode interface module interface, where a second software switching resource is provided between the modem interface module and the first software switching resource (col. 2, line 49 through col. 3, line 49 and col. 5, lines 50-67).

As per claim 19, it is disclosed by Terpening et al wherein said first software switching resource includes a switching of the encrypted speech data to the modem

Art Unit: 2431

interface or to a modulation/demodulation circuit (col. 3, lines 44-49 and col. 5, lines 50-67).

As per claim 20, it is taught by Terpening et al wherein the radiocommunication module includes a switching of the data from the modem to the encryption/decryption module or to the modulation/demodulation circuit, where the switching unit from the radiocommunication module is of the type controlled by software and placed between the said first software switching resource and the modem interface (col. 2, line 49 through col. 3, line 49 and col. 5, lines 50-67).

As per claim 21, it is disclosed by Terpening et al wherein the encryption/decryption module is inserted in a unit cover linked to the terminal module by a contactor (col. 5, lines 50-67).

As per claim 23, it is taught by Terpening et al that the radiocommunication module includes a serial connection to an external modem (col. 3, lines 44-49).

As per claim 29, it is disclosed by Terpening et al wherein the conversation mode selected by the menu is a telephone call in plain language through the cellular radiotelephone network, directly connecting a DSP on send or receive with a radio modulation/demodulation circuit of the radiocommunication module (col. 2, lines 58-67 and col. 3, lines 32-42).

As per claim 30, it is taught by Terpening et al wherein the conversation mode selected by the menu is an encrypted telephone call through the cellular radiotelephone network, where this mode inserts the encryption/decryption module by switching the switching unit of the first software switching resource between a DSP and a radio

Art Unit: 2431

modulation/demodulation circuit of the radiocommunication module (col. 2, lines 58-67 and col. 5, lines 50-67).

As per claim 31, it is disclosed by Terpening et al that the conversation mode selected by the menu is an encrypted telephone call through the switched telephone network or a satellite via an external modem controlled by the radiocommunication module, where, by switching the switching unit of the first software switching resource, this mode inserts, between the DSP and the encryption/decryption module, a vocoder circuit that adapts the digital signals of the DSP to the transmission speed of a modem before sending them to the encryption/decryption circuit and diverting the signals coming from the external modem exiting from the encryption decryption circuit to a loudspeaker and those coming from a microphone and exiting from the encryption/decryption circuit to the external modem (col. 2, line 49 through col. 3, line 49 and col. 5, lines 50-67).

As per claim 32, it is taught by Terpening et al wherein the mode of transmission of the data selected by the menu is a plain-language telephone transmission through the cellular radiotelephone network connecting the modem interface module with a radio modulation-demodulation circuit by switching the switching unit of the radiocommunication module (col. 2, line 49 through col. 3, line 49 and col. 5, lines 50-67).

As per claim 33, it is disclosed by Terpening et al wherein the mode of transmission of the data selected by the menu is an encrypted telephone transmission through the cellular radiotelephone network, inserting the encryption/decryption module

Art Unit: 2431

between the modem interface module and the radio modulation-demodulation circuit, by switching the switching unit of the radiocommunication module (col. 2, line 49 through col. 3, line 49 and col. 5, lines 50-67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terpening et al, U.S. Patent 6,044,158.

As per claim 22, it is taught by Terpening et al wherein the encryption/decryption module includes a data media reader (col. 3, lines 44-49), however the teachings fail to disclose of exchanging of the user's encryption session keys. The examiner hereby asserts that it is obvious to apply the exchange of session keys to establish a symmetric encrypted session with another party. The teachings of Terpening et al disclose of an encryption module, but fail to describe what type of encryption can be used. If users participated in a session using symmetric keys, they would both have to have the same key for encryption and decryption of content. All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would

Art Unit: 2431

have yielded predictable results to one of ordinary skill in the art at the time of the invention, namely to provide communications in a radiotelephone system.

As per claims 24-28, Terpening et al discloses that the radiocommunication module includes a serial connection to an external modem (col. 3, lines 44-49), but fail to describe that the serial connection is of the RS232 wire type, not of the wire type including infrared, 802.11 radio (WIFI), or Bluetooth™. The examiner asserts that it is obvious that the teachings of Terpening could have used RS232 wire type, is not of the wire type including infrared, 802.11 radio (WIFI), or Bluetooth™ since they are differing forms of connectivity. All of the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention, namely to provide communications in a radiotelephone system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Thursday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 517-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2431

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher A. Revak/  
Primary Examiner, Art Unit 2431